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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,826	12/11/2000	Thomas Fiedler	PHO 99,556	5531

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EXAMINER

HARPER, V PAUL

ART UNIT PAPER NUMBER

2654

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/734,826

Applicant(s)

FIEDLER, THOMAS

Examiner

V. Paul Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uehara (U.S. 4,961,177) in view of Shirai et al. (JP 411249227A), hereinafter referred to as Shirai, and further in view of Schaffrina (DE 4028670 A1).

Regarding claim 1, Uehara discloses a method for inputting a voice control through a microphone and includes the following: **"functions which may be activated by control commands of which each one is formed at least by one spoken word from a user of the apparatus"** (col. 2, lns. 34-40); **"speech signal input means for inputting speech signals into the apparatus which represent the spoken speech commands"** (col. 2, lns. 29-31, Fig. 1, item 12, a microphone); **"control means connected to the speech signal input means by which control means can be generated control data representing a speech command"** (Fig. 1, item 18, a controller, item 16, col. 3, lns. 31-33, e.g., controlling door, item 36)); **"halting means to which the speech signal input means are mechanically connected, so that the speech signal input means in the presence of a user take up a certain position**

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**relative to the user's mouth"** (in Figs. 1 and 2 the servo mechanism, item **14**, is connected to the microphone, item **12**, and adjusts its position, col. 2, Ins. 41-50); **"characterized in that the apparatus includes guide means by which the halting means are at least in essence guided in vertical direction and in that the apparatus includes adjusting means by which the halting means can be adjusted along the guide means"** (Fig. 2, col. 2, Ins. 41-50 where the servomechanism operates to adjust the direction of the microphone); **"picture recording means . . . by which a certain body area of a user can be recorded, and in that picture evaluation means are provided by which can be established whether the recorded body area lies within a nominal range (XY) and in that in the event of deviations of the position of the recorded body area relative to the nominal range (XY) the adjusting means are provided for adjusting the halting means and, consequently, the connected speech signal input means . . . can be driven by the picture evaluation means (33) to adjust the picture recording means (31) so that the recorded body area lies within the nominal range (XY)"** (Figs. 2 and 3, col. 2, In. 41 through col. 3. In. 11 where image processing is used to determine the position of the mouth and determines the direction of the microphone). But Uehara does not specifically teach **"picture recording means are provided which are mechanically connected to the halting means ... consequently, the . . . picture recording means can be driven by the picture evaluation means to adjust the picture recording means so that the recorded body area lies within the nominal range (XY)."**

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However, the examiner contends that this concept was well known in the art, as taught by Shirai.

In the same field of endeavor, Shirai discloses an image pickup position-adjusting device that vertically moves a camera according the output of a controller so that the subject is in a set position (English abstract, ¶ 10, Figs. 1, 2, and 5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Uehara by specifically providing the ability to position the picture recording device, as taught by Shirai, since this will improve the accuracy of the images obtained (¶'s 9 and 10).

Furthermore, Uehara does not specifically teach **“the connected speech signal input means and picture recording means.”** However, the examiner contends that this concept was well known in the art, as taught by Schaffrina.

In the same field of endeavor, Schaffrina discloses a telephone kiosk with a video camera and a microphone mounted in a module that is height adjustable (English abstract, col. 1, Ins. 40-55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Uehara by specifically mounting the picture recording means and the speech signal input means in a fixed structure, as taught by Schaffrina, since it was well-known that closer proximity of both a camera and a microphone will improve the quality of the data obtained by each device.

Regarding claim 2, Uehara in view of Shirai and Schaffrina teach everything claimed, as applied above (see claim 1). Furthermore, Uehara teaches **“the apparatus**

**additionally includes speech signal output means for delivering speech signals”**

(Figs. 1 and 2, items **26** and **28**, audio response unit). But Uehara in view of Shirai and Schaffrina do not specifically teach **“the speech signal output means are mechanically connected to the halting means.”** However, the examiner contends that this concept was well known in the art, as taught by Schaffrina.

Schaffrina further discloses that the height adjustable module includes a speaker (English abstract, col. 1, Ins. 40-55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Uehara in view of Shirai and Schaffrina by specifically providing a speaker connected to the halting means, as taught by Schaffrina, since it was well-known that an appropriately positioned speaker results in improved hearing and greater privacy.

Regarding claim 3, Uehara in view of Shirai and Schaffrina teach everything claimed, as applied above (see claim 1). But Uehara in view of Shirai and Schaffrina do not specifically teach **“that the apparatus includes input means for inputting alphanumerical signs and in that the input means are mechanically connected to the halting means.”** However, the examiner contends that this concept was well known in the art, as taught by Schaffrina.

Schaffrina further discloses that the height adjustable module includes a keypad (English abstract, col. 1, Ins. 40-55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Uehara in view of Shirai and Schaffrina by

specifically providing a means of inputting alphanumerical signs, as taught by Schaffrina, since it was well-know that keypad entry of alphanumerical signs might be faster than data entry by speech recognition.

Regarding claim 4, Uehara in view of Shirai and Schaffrina teach everything claimed, as applied above (see claim 1). But Uehara in view of Shirai and Schaffrina do not specifically teach **“the apparatus includes a communication station for contact-bound communication with a contact-bound chip card and in that the communication station is mechanically connected to the halting means.”**

However, the examiner contends that this concept was well known in the art, as taught by Schaffrina.

Schaffrina further discloses that the height adjustable module includes support for input by means of cards (English abstract, col. 1, Ins. 40-55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Uehara in view of Shirai and Schaffrina by specifically providing a means of data entry using cards, as taught by Schaffrina, since it was well-know that the use of cards can make some communications interactions more convenient.

Regarding claim 5, Uehara in view of Shirai and Schaffrina teach everything claimed, as applied above (see claim 1). But Uehara in view of Shirai and Schaffrina do not specifically disclose **“that the apparatus includes display means for displaying data and in that the display means are mechanically connected to the halting**

**means.”** However, the examiner contends that this concept was well known in the art, as taught by Schaffrina.

Schaffrina further discloses that the height adjustable module includes a screen (monitor) (English abstract, col. 1, Ins. 40-55, Fig. 1, item 6).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Uehara in view of Shirai and Schaffrina by specifically providing a monitor, as taught by Schaffrina, since it was well-known that the use of monitor can give a user feedback during data entry and communications making the interactions more reliable.

2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uehara in view of Shirai and Schaffrina and further in view of Shneiderman (“Touchscreens now offer compelling uses,” March 1991).

Regarding claim 6, Uehara in view of Shirai and Schaffrina teach everything claimed, as applied above (see claim 1). But Uehara in view of Shirai and Schaffrina do not specifically disclose **“that virtual input means can be realized with the display means.”** However, the examiner contends that this concept was well known in the art, as taught by Shneiderman.

In the same field of endeavor, Shneiderman teaches the use of a touchscreen for the purpose of inputting alphanumeric data (p. 158, ¶s 1 and 4, p. 159, ¶ 3, p. 161, ¶ 3 and Fig. 5 where a touchscreen can be used as a virtual input means as interpreted from the specification p. 3, Ins. 20-23).



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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Uehara in view of Shirai and Schaffrina by specifically providing a touch screen along with a display, as taught by Shneiderman, since it was well-known that the use of a touchscreen with monitor requires less hand-eye coordination than a keyboard (p. 158, ¶'s 1-4).

### ***Response to Arguments***

3. Applicant's arguments filed 11/28/03 have been fully considered but they are not persuasive.

4. Applicant asserts on page 3:

Item I of the Office Action says, in effect, that the Shirai automatic adjusting of a camera vertically would have suggested a similar automatic vertical adjustment to the camera 22 in FIG. 2 of Uehara, but acknowledges that the combination would still not feature vertical movement of the Uehara microphone 12. To make up for the deficit, Schaffrina is cited, which is directed to a video telephone box having a user panel including a screen and video camera. A microphone is located on either side of the screen. The height of the user panel may be adjusted to suit the user. The user panel allows inputs in the form of push button selections. It is clear from this description and the drawing that the user panel is manually adjusted by the user to match his or her height. By contrast, and as mentioned above, Uehara deals with a system that operates automatically without user intervention other than speech. It is not clear how Schaffrina can be fairly said to teach detachment of the Uehara microphone 12 from its tilting servo mechanism and movement of the detached microphone into fixed connection with the movable camera.

Uehara discloses a system where a microphone is automatically movable to improve the quality of the S/N (Fig. 1, col. 5, lines 15-22), and Shirai discloses a system where a camera is automatically movable to adjust an image (abstract). In addition, Schaffrina discloses a kiosk where a video camera and a microphone are *mounted together* in a module that is height adjustable to suit the user (abstract, col. 1, lines 40-55) and improve the images being recorded (Schaffrina translation, p. 2, lines 9-12). As argued in the rejection of claim 1, the Examiner feels that it would have been obvious and desirable to combine the automatic adjustability of Shirai and Uehara with the mounting arrangement of Schaffrina.

5. Applicant further asserts on page 3:

Uehara, in fact, teaches away from the idea of modifying its microphone configuration. Although Uehara recognizes the voice recognition is a developing area (col. 1, lines 50-52), and that its voice recognition technology may require the speaker to repeat words and to enunciate more slowly (col. 4, lines 53-56), Uehara reveals not the slightest hint that its microphone 12 of sharp directivity is other than optimal (col. 3, lines 41-43: "Control of the direction of the microphone 12, is one of the distinctive features of the present apparatus"; col. 5, lines 11-20: "According to the present apparatus, the microphone 12 with a sharp directivity can be effectively directed toward the mouth of the person C, thereby resulting in reliable collection of the speech made by the person at a high S/N ratio. The sharply directional microphone 12 used herewith can be provided at a distance from the person C without any loss in S/N ratio. Consequently, the person can speak unaffected by the presence of the microphone 12, and the person will not feel that he is forced to speak to the system.")

Uehara (col. 3, lines 41-43) does not state that the disclosed configuration is optimal, nor that there is not some other way to obtain better results. Furthermore,

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contrary to teaching away from the microphone configuration suggested by Schaffrina, Uehara actually supplies a motivation for using the approach. Uehara states that "the person can speak unaffected by the presence of the microphone 12, and the person will not feel that he is forced to speak to the system." (col. 5, lines 17-20) The Examiner feels that a microphone "tracking" an individual (see Uehara Fig. 2) would certainly make its presence known, where in the approach taken by Schaffrina, the microphone is mounted in a side panel (easily hidden), and a user would be far less affected by its presence.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this office action should be mailed to:

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Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to:

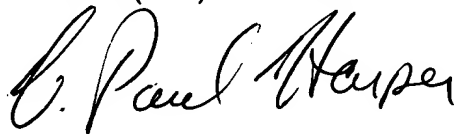
Crystal Park II  
2121 Crystal Drive  
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Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. V. Paul Harper whose telephone number is (703) 305-4197. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-9645. The fax phone number for the Technology Center 2600 is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service office whose telephone number is (703) 306-0377.

VPH/vph  
January 15, 2004



**RICHEMOND DORVIL**  
**SUPERVISORY PATENT EXAMINER**